

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Londell Alston; William Stuckey; Domernic
Caldwell; John Massey; Harry Fudge; Tyler
Elmore; Ronald J. Sowers,

Plaintiffs,

v.

Chief John Hicks, et al.,

Defendants.

Civil Action No.0:24-2637-MGL

OPINION AND ORDER

Plaintiffs Londell Alston, William Stuckey, Domernic Caldwell, John Massey, Harry Fudge, Tyler Elmore, and Ronald J. Sowers (“Plaintiffs”) filed this action against Chief John Hicks, Kitchen Overseer Mrs. Vanadore, and York County Detention Center (“Defendants”), alleging violations of their constitutional rights. *See* 42 U.S.C. § 1983. ECF No.1. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge issued a proper form order and order regarding amendment of the complaint on May 22, 2024, noting deficiencies in Plaintiffs’ complaint and giving him an opportunity to amend. ECF Nos. 6, 7. Plaintiffs did not respond or otherwise bring their complaint into proper order.

This matter is now before the Court upon the Magistrate Judge’s Report and Recommendation filed on July 1, 2024, recommending this case be summarily dismissed for failure to state a claim upon which relief can be granted. ECF No. 13. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.

§ 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiffs were advised of their right to file objections to the Report and Recommendation. ECF No. 13 at 3. However, they have not done so and objections were due on July 15, 2024. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is **SUMMARILY DISMISSED** for the reasons set forth in the Report and Recommendation and the Magistrate Judge’s May 22, 2024 order.

IT IS SO ORDERED.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

July 19, 2024.